

# QUID NOVI

*McGill University, Faculty of Law*  
*Volume 28, no. 4, October 2, 2007*





## QUID NOVI

3661 Peel Street  
Montréal, Québec  
H2A 1X1  
(514) 398-4430  
[www.quid.mcgill.ca](http://www.quid.mcgill.ca)

### **Editors in Chief**

Cassandra Brown  
Andrea Gorys

### **Managing Editors**

Raffaella Commodari  
Kim Mossi

### **Layout Editors**

Sandrina Antohi  
Alicia Depraeter  
John Lofranco  
Martin Rioux

### **Associate Editors**

Bruce Carlini  
Jake Hirsch-Allen  
Maha Hussain  
Ali Khan  
Thomas Lipton  
Krisitn McHale  
Julien Morissette  
Palma Paciocco  
Colin Schulhauser

### **Staff Writers**

Nick Dodd  
Ilan Gabizon  
Ryan Kirshenblatt  
Olivier Plessis

### **Staff Cartoonist**

Laurence Bich-Carrière

### **Webpage Editor**

Owen Ripley

## IN THIS ISSUE...

3... Wine Club Adventures  
Abroad, or How to Corrupt  
Smaill Children

5... Right to Life under Sec-  
tion 7?

7... Les Aventures du Capi-  
taine Corporate America  
Lawmerick IV

8... A Burst of Sunshine

9... The Thunderstorm Arti-  
cle

10... Election Candidates

13...All Students Have a  
Right to an Equal Education

14... Danny Williams: Selfish  
Oil Baron or Strategic Politi-  
cian?

15... L'Odieuse Indifférence

## EDITORIAL

by **Andrea Gorys (Law III)**  
**Co-Editor-in-Chief**

Well it's that time of year when the fall elections are called and when we go to the Faculty polls and decide on who will be the First Year Class Presidents and our Faculty Council. As I mentioned last week, it's really important to balance your academic life with other activities. Good on the candidates for wanting to participate in something else! However, the track record for voting is rather low. The main voters are first years with an amount of second years and very few third years and fourth years voting. I realize that our schedules are busy with school and whatever else is on your plate like sports, part-time work, and other commitments. I just want to encourage you all that if you are walking by the atrium on thursday, october 4th, please take the time to vote. it'll take all of a few seconds to check off the candidates you think should represent you either to the LSA or to the Faculty. And in truth, we are our own little democracy so let's really make it look like one!

Now without any further ado: GO VOTE!!!!

...and enjoy the Quid!

The *Quid Novi* is published weekly by the students of the Faculty of Law at McGill University.  
Production is made possible through the direct support of students.

All contents copyright 2007 *Quid Novi*.

Les opinions exprimées sont propres aux auteurs et ne reflètent pas nécessairement celles de l'équipe du *Quid Novi*.

The content of this publication does not necessarily reflect the views of the McGill Law Students' Association or of McGill University.

**Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)**

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse:  
<http://www.quid.mcgill.ca>.

Contributions should preferably be submitted as a .doc attachment.



# WINE CLUB ADVENTURES ABROAD, OR HOW TO COR- RUPT SMALL CHILDREN

by Francie Gow (LAW IV)

I was among the very first members of the McGill Law Wine Appreciation Club, founded by now alumnus Rohan Gulrajani in early 2005. While on exchange in Singapore this winter, I popped over to Australia, just because I could. In Adelaide, my friend Anne offered to take me to some Barossa Valley wineries, an offer this budding oenophile couldn't refuse.

First thing in the morning, Anne packed some snacks and drove me to the Yaldara winery. We walked up the front staircase and stepped inside, and so began my first "wine tour." Well, sort of my first. When I was teaching in France in 1999, I spent one of my breaks visiting friends in Bordeaux. During that visit, I took a day-trip to Saint-Émilion. By rights, that should have been my first wine tour, but there were two problems. First, it was

February, so the vines were not exactly at their best. Second, it would be another three years before I would begin to drink alcohol. Back in Law II, I wrote an article for the *Quid* entitled, "How a Confirmed Teetotaller Ended up Treasurer of the Wine Club." The following year, Julien Morissette and I took over as co-presidents. But as a 22-year-old in Saint-Émilion, my lifetime consumption of alcohol could not yet fill a small Thermos. My friend and I simply wandered over the cobblestones and skipped the wine stuff. Sigh.

Back to Yaldara. The so-called "cellar door" is a large public area with local wares for sale and a long counter where employees distribute samples of whatever you care to select from their (free!) tasting menu. The only restriction was indicated by a sign behind the bar: "It is against

the law to serve alcohol to people who are already drunk." Well, it was 10:00 a.m., which is the ideal time for critical tasting (or so Rohan tells me), and I was not drunk, so off I went.

Anyone who goes to restaurants with me knows I can spend an annoying amount of time agonizing over a menu. The list of samples was long and intimidating. I did know that it was best to drink white before drinking red if I was going to have both. But I also knew that we would be going to other wineries, and I didn't want to overdo it. I decided to taste three whites and leave it at that. But which whites? There were several varietals, and the range of prices (in Australian dollars, of course) was wide. Here is what I chose:

2004 River Run Chardonnay (unwooded) - \$9.50  
2005 B.L. Traminer

Riesling - \$10.00  
2004 Tempus Two Gewürztraminer - \$15.50

They were okay, but not great. But what else did I expect in choosing three of the cheapest wines on the list? There were much more expensive whites available, but I was too embarrassed to ask for them. I was also too embarrassed to admit that I was too embarrassed, so I came up with a clever hook: I announced that I was doing field research for my wine club back in Montreal, whose membership consisted primarily of debt-saddled law students, and could I please see the list of the wines available for sale in Canada? Ah, only the cheap ones. Perfect. My only defence for such irrational behaviour is that my inner Calvinist is at her holier-than-thou best in the morning.

Anne did not share my indecision. She was, after all, the designated driver, and her system was simple and elegant: one small sample of the wine with the most fun adjectives: "...plummy lavender with undertones of graphite and a hint of CK Eternity in the long



finish..." Okay, I confess, I made that one up just now.

From Yaldara we drove to Jacob's Creek. They had a very sleek and modern cellar door, with glass walls looking out over the vineyards. Our friendly bartender served me my requests: a 2003 Jacob's Creek Reserve Pinot Noir, a 2004 Gramp's Shiraz and a 2004 Jacob's Creek Reserve Cabernet Sauvignon, all in the \$15 range.

I had organized a Pinot Noir tasting for the club the year before, with lots of help from Julien, who, unlike me, was "to the cellar born." I also feel slightly more at home with reds in general, so I practised making my own tasting notes out loud, sharing with Anne the little I knew about each varietal. Anne listened attentively, slowly sipping her driver-sized sample, and eventually told me that this was a new experience for her. She had brought many guests to Barossa Valley wineries over the years, and normally she would finish her glass and go off to read the interpretive panels while they had their fill. This was the first time that anyone had *talked*

to her about what they were drinking. Ever the gracious hostess, she swore up and down that she was fascinated.

I was about to leave, proud of myself for having inched up the price scale, since I had enjoyed these three much more than the first batch. But the bartender wouldn't hear of it. They had two very special bottles open, and they needed to be tasted. "But I've already had three!" Sorry, but the 2003 Jacob's Creek St. Hugo Coonawarra Cabernet Sauvignon (\$42) was not to be missed. Okay, just a small glass. Oh. I should have taken the expensive route sooner. He also poured me a Centenary Hill Shiraz in the same price range before I could protest. Ah. My inner hedonist began rubbing the sleep out of her eyes.

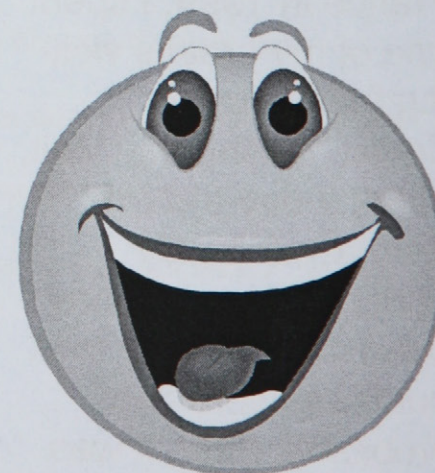
Two days later, I went out sight-seeing with Anne and John and their five-year-old granddaughter Jessica. On the way home, we decided to stop at the McLaren-on-the-Lake cellar door for a final tasting before my departure the next day. This time I decided to

taste a 2005 Cabernet Sauvignon and a Shiraz side by side, to try to learn to tell them apart. I took the 2005 Serafino version of each, listed at \$24 a bottle. The first had lots of oomph, while the second reminded me of sweet cherry candy.

Little Jessica was intensely curious about what was going on (especially the spitting barrel), and looked up at me with her tiny nose resting just at the level of the bar. I have a weakness for curious kids, so I lowered my two glasses and told her I was tasting wines made from two different kinds of grapes. Could she smell the difference? After sticking her nose into both glasses, she confidently and correctly announced that the Cab smelled stronger.

Suddenly realizing that I was teaching wine tasting to a five-year-old, I decided to keep my thoughts about cherry candy to myself. I glanced over at her grandparents, who did not look as though they thought anything untoward had just happened. It was only when we got Jessica home and she squealed, "Mummy,

Mummy, I did a wine tasting!" that I got a sideways glance from the mummy in question. I quickly explained that it had just been a wine sniffing, and was secretly grateful to have had witnesses ■





# RIGHT TO LIFE UNDER SECTION 7?

by Joshua Krane (LAW IV)

*Editor's Note: This article was featured in last week's Quid Novi, but only half of the article got printed. We apologize for the snafu. Here's the full article for your reading enjoyment!*

The Ontario Court of Appeal is set to hear what will no doubt be another controversial health care case this winter. In June, the Divisional Court heard a case involving a liver cancer patient – Adolfo Flora. Flora desperately required a liver transplant. His Canadian doctors determined that Flora was ineligible for a liver transplant, and gave him six months to live. Flora flew to the UK where he consulted the services of Dr. Wong – who would try an experimental procedure which would replace Flora's liver with a piece of his brother's. Flora flew to the UK for the procedure, which was successful. The cost of the procedure was \$450 000, which

Flora paid out of his pocket. Flora sought to have the money reimbursed by Ontario's publicly funded Health Insurance Plan.

OHIP denied Flora's request. OHIP will pay for procedures undertaken internationally if those procedures are otherwise insured. The agency determined that since the transplant procedure was experimental (not a "generally accepted procedure"), and was not otherwise available to persons like Flora who are close to death, it did not have to reimburse the cost of the surgery. The policy is meant to control the cost of delivering health care, since foreign surgeries can be extremely expensive (as was evidenced by this very case).

The Divisional Court upheld the Board's decision. Flora contested the validity of the rule on the basis of section 7 of the *Charter*. The Divisional Court held that although Flora's

right to life and security of the person were affected, the interference with those rights was not due to government action. His section 7 claim, therefore, failed.

The Divisional Court reviewed the leading Supreme Court of Canada and Ontario Court of Appeal cases on the application of section 7 in medical situations. The Court determined that the impugned rule was not "prohibitive", which meant that the Court could distinguish cases like *Morgentaler*, *Rodriguez*, and *Chaoulli*. Essentially, had Flora had sufficient funds or adequate insurance, Canadian law would not sanction him for electing to have the surgery elsewhere. The Court explained that the section 7 of the *Charter* does not guarantee a constitutional right to health care. The government is under no obligation to provide care, even in cases of life threatening illness.

In 2006, the Ontario Court of Appeal heard another case, *Wynberg v. Ontario*, involving an application by parents of children with autism. The parents claimed that the government's election promise to fund autism services constituted a binding obligation to provide funding for treatment, warranting section 7 *Charter* protection. As in *Flora*, the Court of Appeal rejected the applicant's claim that section 7 imposes any constitutional rights to medical treatment.

The problem that these two cases raise, in light of the Supreme Court of Canada's recent decision in *Chaoulli* is the interface between the government's "virtual monopoly" over the provision of health care and its actual obligations to provide coverage. There seems to be a contradiction in these two principles: if the government has a monopoly over the provision of health care, then why can it deny care when a person's life, liberty, or security interests are placed in jeopardy?

The effect of granting Flora's section 7 challenge would be that



Canadian citizens, who can afford to pay for foreign doctors up front for controversial medical procedures, would have an incentive to pursue those procedures, because the government would be under an obligation to pay for them. Canadians might flock to doctors in other countries who are more willing to try procedures that Canadian doctors will not perform due to a lack of resources. Billing these surgeries to the Ontario government could raise the costs of health care administration dramatically.

Another underlying reality that the Court of Appeal did not discuss is the fact that many Canadians already do travel to other jurisdictions to meet their health care needs. Wealthy Canadians go to the United States for certain procedures in order to avoid wait times. Professional athletes seeking knee or joint surgeries are a

prime example. Less affluent Canadians will travel to countries in the developing world like Cuba or India for treatment.

The Canadian system is a *de facto* two-tier system. Canadian courts have really struggled to recognize this reality. Legislatures do not discuss this reality at all. Had Flora died under the knife in the UK, then the government's position on experimental surgeries would have been justified. Furthermore, had Flora been unable to pay for his operation upfront, he would have died and this case would not have been litigated. But Flora lived – which was the “bad fact” of the government's case, notwithstanding the other bad fact that Flora contracted liver cancer because of tainted blood received by a transfusion performed by Ontario doctors. Now the Court of Appeal is once again required to consider the scope of the

protection afforded to Ontarians under section 7 of the *Charter*.

What is the solution in Flora's case? It is certainly not a judicial one. Although other provisions of the *Charter* do confer positive obligations on the government (section 14 requires that the government provide interpreters in criminal proceedings and section 10(b) requires that state agents inform detainees or arrestees of their right to counsel), the scale of the positive obligation on the government to provide health care is enormous. As evidenced by the decision in *Wynberg*, the problem is too big for the courts to confront. Health care costs represent the largest portion of the provincial governments' budget. A judicial requirement that the government provide all forms of care when a person's life is at risk could strain the governments' coffers even more.

In the end, the only way for the government to give full effect to the right to life is to commit resources to the protection of life. In so doing, the government will have to recognize that it cannot possibly protect life to the extent required in Flora's case and provide universal access to all other health care services. The government therefore will have to recognize that Canadians must assume some of the cost for health care administration privately. But supporting a *de jure* two-tier system of health care is politically deadly, and no government, unless confronted with a bankrupt administration, will venture into those political waters. For now, at least, it is easier for the government to let the courts answer the controversial health care questions – which inevitably means that Flora, and the parents of children with autism, are left without legal remedies ■

Got something to say?  
Write for the Quid Novi  
Deadline: Thursdays 5pm  
Email: [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)

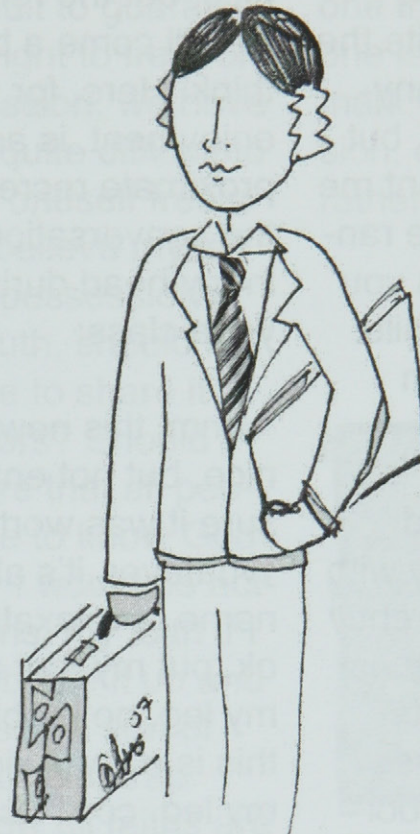
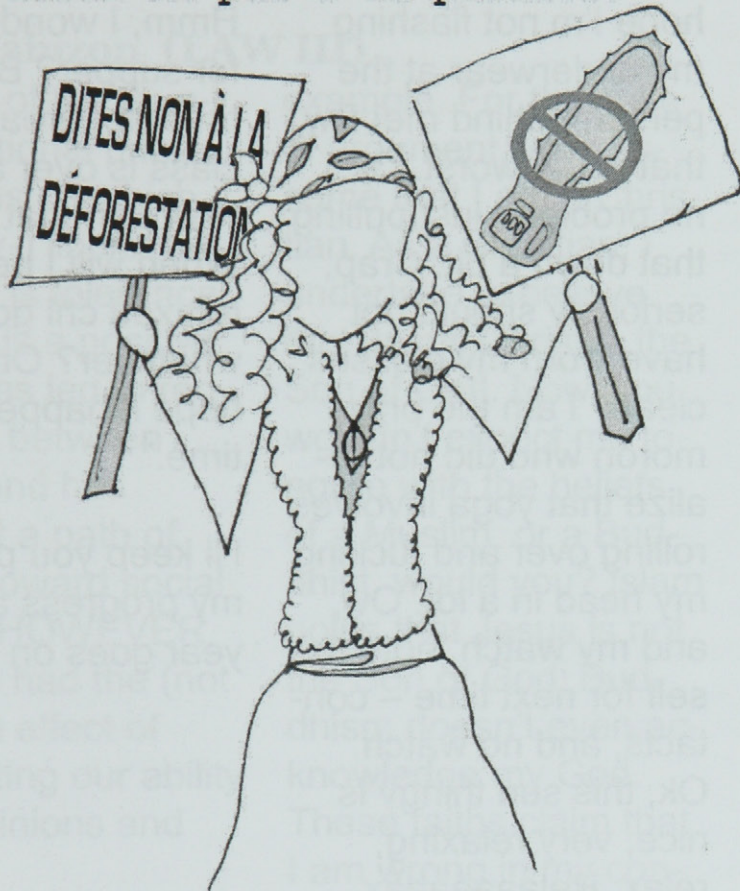


# POUMON À VENDRE, DÉJÀ SERVI

par Laurence Bich-Carrière (LAW IV)

Vous détruisez l'Amazonie  
avec vos tronçonneuses.  
Pensez un peu à la planète!

OK, OK, on va utiliser  
de l'essence sans plomb.



## Lawmerick IV

by Francie Gow, Law IV

In September the reading goes slow  
By October you're into the flow  
Till a big Meth assignment  
Knocks you out of alignment  
Then watch out, 'cause something's gonna blow!



# A BURST OF SUNSHINE

by Alison Glaser (LAW III)

**S**o, I know that I said I wasn't going to write the Sunshine Article anymore, and I'm not, but that doesn't prevent me from sharing some random musings with you every once in a while. Which is what I am doing now.

Yesterday I walked through the faculty with a yoga mat. Apparently this will get you almost as many comments from classmates as going through school wearing a suit. What we all talked about was how hard it was for us to relax. This is problematic. We all seem to feel like we go go go all the time and the only time we stop is for sleep (and even then our dreams are being intruded into by thoughts of snails in bottles and so on). The only way we tend to relax is by drinking. Apparently this only gets worse when we become grown ups and get real jobs. So, in an attempt to actually learn to slow down, I decided to take yoga.

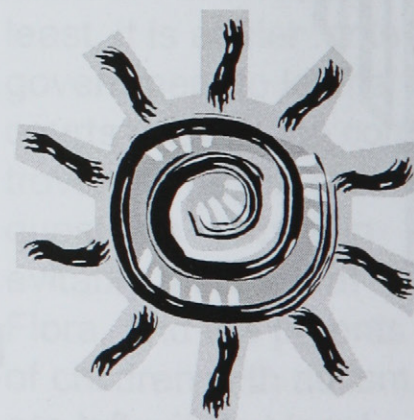
Honestly, it was pretty nice, but the relaxation bit will come a bit later I think. Here, for your enjoyment, is an approximate recreation of the conversation I had in my head during my yoga class:

"Hmm, this new mat is nice, but not entirely sure it was worth \$30. Whatever, it's all in the name of relaxation. Ok, ok, put my foot up on my leg, no problem, this is easy. Alright, lift my leg, cool, I can do that too. Ooh, bend down to touch my toes. Not so cool. I wonder why I can't touch my toes? I think I have a defect. I think, actually, that my arms are freakishly short compared to my legs. Can that be? I wonder how that happens? Ok, more breathing, awesome, no problem. Ok, this move is a bit challenging, but not so bad. I wonder if I should have applied to jobs in New York? I wonder what it is I actually want to do with my life? No, No, No, stop right now, this is supposed to be relaxing. Ok, relax.

Relax. Aren't I supposed to chant ohm or something? Eek, this shirt was not a good call, it keeps riding up my waist. And my pants keep coming down. Oh my god, I hope I'm not flashing my underwear at the person behind me! Ew, that is the worst. Ok, no problem, just pulling that down a bit. Crap, seriously should not have worn my glasses, clearly I am the only moron who did not realize that yoga involves rolling over and tucking my head in a lot. Ow, and my watch, note to self for next time – contacts, and no watch. Ok, this sun thingy is nice, very relaxing, relax. Relaaaaaaaax. God I cannot believe that girl didn't show up for her advocacy appointment, that was so annoying! Ok, no, centre, centre, chi, etc etc. I am so not new-agey. I wonder if I turned my cell off? God I hope so! It would not be good if it rang in here. Mmmm, deep breathing, now this is what I signed up for. Very relaxing. Very nice. Very....zzzzzzzzzz.....Oh, ok, we're moving again. Oh my god, seriously, I am so unflexible. This is kinda ridiculous. I look like a particularly badly stuck

Barbie doll, you know those old ones that could not bend or twist at all. WHY CAN'T I TOUCH MY TOES???? Really, I must be deformed. Everyone else can touch their toes. Hmm, I wonder what is for supper? Breathe, breathe, breathe. What class is over already? How can that be? When will I become a relaxed chi goddess or whatever? Oh well, I hope it happens next time."

I'll keep you posted on my progress as the year goes on ■





# THE THUNDERSTORM ARTICLE

by Ilan Gabizon (LAW III)

One of the foundational principles on which our (overly-) liberal society rests is tolerance. Tolerance is a positive value. It has led to reconciliation between peoples, and has carved out a path of progress toward social harmony. HOWEVER, it has also had the (not inevitable) effect of emasculating our ability to hold opinions and beliefs.

People used to kill one another because of religious differences. People still do it today, but it has diminished quite a bit. This is so because we have come to realize that every person deserves to be treated with respect. HOWEVER, while this is so, it does not entail that we are obligated to agree with his/her belief. This is where the contradiction asserts itself. To argue that tolerance requires us to agree with everyone is simply outrageous, absurd – contradictory!

Let us take an

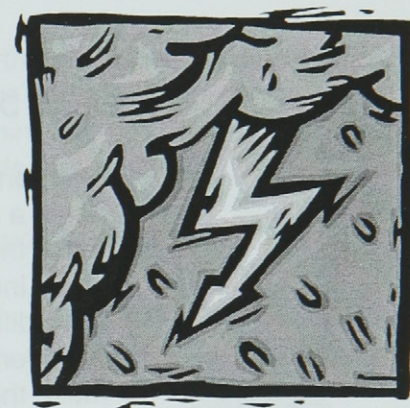
example. For the sake of argument, we'll assume that I am a Christian. As a Christian, I undertake to believe that Jesus Christ is the Son of God. Now, you wouldn't expect me to agree with the beliefs of a Muslim, or a Buddhist, would you? Islam holds that Jesus is not the Son of God; Buddhism doesn't even acknowledge my God. These faiths claim that I am wrong in my convictions. I thus owe it to myself NOT to agree with them (as they owe it to themselves not to agree with me). Otherwise, what am I other than a hypocrite, a simpleton who simultaneously agrees with an idea and its contradiction?

But if I were to put this logic into practice, I would surely invite rebuke. If, still being a Christian, I were to tell these people that their religious beliefs are wrong, I would likely be told that I am "intolerant", or "closed-minded". I would likely be told to

let people believe what they please, and to not disturb them – in effect, to accept everyone's beliefs. But this is not logically feasible. I disagree with opposing beliefs because I HAVE TO, and so do you... In our pursuit to guarantee the right to freedom of expression, we have made it quite difficult to express oneself freely. And if I believe myself to be in possession of God's truth, should I not strive to share it with others? Should I not desire that all people come to know God as well? I would be acting against my faith if I were to bottle it up and preach some sort of relativistic claptrap about how all faiths are equally true. Professions of faith must be viewed as objective statements of a metaphysical nature for them to be in any way relevant. While religious experiences can be described as subjective, religious dogma cannot be so described. Religious claims are by their nature exclusive. If a particular religious dogma is repugnant to you, then you are better off dispensing with it, instead of selectively dispensing with ideas contained therein. The latter approach leads to

absurdity and meaninglessness...

If we choose to believe in something, we need to commit to it. We need to be genuine in our convictions. Telling someone that they're wrong (when one truly believes that one is right) is not a mark of condescension, or intolerance, but rather of honesty ■





# ELECTIONS

## First-Year Class President / Président de Classe de Première Année



Alexandra Carbone

My goal is to make our first year at McGill Law fun, memorable and enjoyable. I want to continue our faculty's tradition of community and ensure that everyone in our class feels welcome and comfortable. I would like to promote school participation by using your suggestions to improve events and clubs. I am outgoing and personable and I think that these qualities will allow people to approach me with their concerns and suggestions. Moreover, I am organized and have experience in planning events and activities. For instance, over the last three years, I have planned parties, events, and bake sales for various fundraisers at McGill. I think that my dedication towards McGill and our faculty will make me an excellent class representative, as I will take on my responsibility towards the student body wholeheartedly. I am so excited at the prospect of being class president for such an interesting, diverse, and inspiring group of people. I hope you will provide me with the opportunity to make this year surpass all of our expectations. Thanks, Alexandra Carbone



Justin Douglas

Everyone has different reasons for being at McGill. For some it's simple: to finish as soon as possible and begin a career. For others, it's the love of the subject matter or a process of discovery. For me, it's important to make the most of the time I have here. I want to succeed academically, but I also want a well-rounded experience, including the opportunity to facilitate positive and interesting experiences for others. All the candidates have different backgrounds and skills, and when it comes down to it I think any of us could be really great as president. If I do get elected, I'll do my best to be approachable, responsible, fun, and open to ideas on how to make this year as memorable as possible for everyone. I really enjoy interacting with others; I have great organizational skills and would do my best to effectively represent the first years and communicate our concerns. Thanks for your consideration.



Stephanie McKinnon

Tired? Grumpy? Not interested in the law? I heard that! And I understand. I too require non-academic stimulation (présupposant que ça existe). And as such, I promise to find us some serious fun. As your ever-approachable president, I will be your super-friendly link to all the scary forces-that-be. And I'll do my best to make this the coolest year since Zack Morris got a cell phone.

Seriously, I really want to be your president because I think I'll do a great job. I get things done (and not just the occasional reading). I want to represent our concerns and our needs to the faculty and the LSA, and I will do so faithfully and effectively. Je veux votre vote!



Alexandre Shee

Pourquoi est-ce que je devrais devenir votre président de classe de première année? Firstly, I am passionate about your concerns. I think that as first year students we all have something to bring to the table. We have new ideas, projects and ambitious goals that can and should be realized. As class president, I think that you must always be attentive to your fellow students as well as strongly voice your concerns to the LSA. Deuxièmement, je suis travaillant. Je pense qu'en organisant une panoplie d'activités (fêtes, spectacles charitables, etc.) nous pouvons rendre cette première année de droit plaisante et intéressante. À mon avis, le plus

believing that as class president it is my duty to make this year the best year possible, even maybe the most exciting one of your life. For more information on my platform, join or view: "Vote Alex Shee for 1st Year Class President" group on Facebook. [The group referred to is now closed and was clearly prohibited by By-Law 9 section 3.4, CRO]



# FACULTY COUNCIL/CONSEIL DE FACULTÉ



Abigail Becraft

I believe that the position of faculty councillor requires a sincere appreciation for the uniqueness of the McGill Law curriculum, a desire to engage in dialogue with classmates and a willingness to openly voice concerns to faculty members. I indeed have this appreciation, desire and willingness. As an American student, my choice to attend a bilingual Canadian law faculty, teaching civil law in addition to common law, was rather unconventional. But I found myself enamored with this unique Faculty and its distinct fabric: two languages, two systems and hundreds of individual personalities. This unparalleled opportunity alone is what brought me to Montreal, thus I have a particular appreciation for the tailored curriculum the Faculty Council has created. Additionally, I have a strong desire to build relationships with my classmates and I intend to use the understanding I gain from formal and informal dialogue with my peers to be an effective student voice within the Faculty Council. Finally, I believe that I have the confidence needed to speak honestly and candidly to faculty members, effectively articulating student sentiment

and recommendations.



Jessica Cameron

For reasons inexplicable, Jessica is compelled to devote her time and talents to faculty committees. If examining faculty policies and library purchases doesn't exactly thrill you to the core, please pity this candidate for faculty councillor who contemplates such activities with feverish enthusiasm.

Sadly, her compulsion has a long history: As president of her undergraduate departmental students' association, she brought students' demands for an Honours program to the Department Director and the Dean of Arts, which led to endless invigorating hours spent in the company of a faculty committee hashing out the details for program development and funding, while she unswervingly represented the express interests of the students.

As far as we know, there is no cure for her affliction, and so she recommends that you take advantage of her misfortune.



Alexandra Dodger

The Faculty Council is our principal academic policy-making body. It has authority over undergraduate admissions, curriculum, exams, and staff appointments. C'est avec grand plaisir que je me présente au poste de représentante des étudiant(e)s sur le Conseil de la Faculté.

J'ai complété mon baccalauréat à l'Université de Toronto, où j'ai siégé à l'exécutif de mon association étudiante pendant deux ans. I successfully advocated for 24 hour library study space, course waiting lists, et un gel des frais de scolarité. I was also a representative on Ontario's student loan appeals tribunal where I advocated for those denied financial aid, and worked for affordable post-secondary education.

Si vous choisissiez de m'élire, je travaillerais pour vos intérêts sur le Conseil de la Faculté et l'AED! I believe we could improve students' academic experiences. From small changes such as more international guest lecturers or a wider array of student exchange opportunities to larger projects such as increasing funded internships over the summer, diversifying our curriculum and greater student research opportunities, je voudrais mettre mes connaissances et expériences à votre profit!

naissances et expériences à votre profit!



Marco Frangione

En tant que voix forte et efficace pour tous les étudiant(e)s en droit, j'articulerai clairement nos intérêts à la faculté. En particulier, je travaillerai pour maximiser notre expérience universitaire et les ressources à notre portée pour nous donner les meilleures opportunités dans l'économie globale. Mon mandat sera d'encourager un programme d'études plus contemporain, qui reflète bien notre réalité comme avocat(e)s. Competitiveness in the global economy is intrinsically linked to incorporating different points of view and implementing ideas from them. Therefore, I will work on increasing exchange opportunities and internships with institutions outside of Europe so that we can improve our academic and professional repertoires, and also set in motion measures that can improve upon diversity within our student body. It would be a great honour to be a voice for students in our faculty and work ardently on your behalf on issues that we deem dear. Yours sincerely, Marco Pasquale Frangione



Faizel Gulamhussein

Dear Colleagues/Cher(e)s Collègues,

The idea of acting as a Faculty Councillor is a position that I have come to value as a result of my past experience in the matter. My previous education provided me with the opportunity to interact with faculty as a student representative and this experience has led me to a focus on three "core elements" of student-faculty relations: Clarity/Clarté, Curriculum, and Community/Communauté (a.k.a. the corny Cs). Where clarity is concerned, it is important that we be able to clearly communicate our expectations to the faculty and also that the faculty be clear in their expectations of us. Concernant notre curriculum, la faculté de droit à l'université McGill devrait continuer à poursuivre un engagement envers une éducation qui est simultanément pratique et innovant. Finally, on the notion of community, it is essential to have an environment which fosters engagement, dialogue, and creativity among students and faculty alike. Ayant bien réussi avec ce cadre au sein de mon travail anciennement, j'ai hâte à servir comme un « faculty councillor ».



Bryana Jensen

Let's keep this brief.

Pourquoi devriez-vous voter pour moi ? These paragraphs always sound a little bit cheesy, but, well, my name is phonetically the same as a kind of cheese (it's "Bree" for short). Basically, I'm friendly, creative, approachable, hard-working, and a whole bunch of other positive adjectives. J'ai toujours été impliquée au sein du conseil étudiant et j'aimerais avoir l'opportunité de participer activement dans ma nouvelle (chère) faculté. Bref, je veux redonner quelque chose à cette communauté que je ne fais que commencer à connaître, mais que j'aime déjà. Frankly, I think our year is super (not that other years aren't) and I would be proud to have the opportunity to represent you. Please let me know if you have any questions, et je vous remercie de votre support.



Angie Joshi

Electing me as one of your student representatives to Faculty Council will ensure effective representation of your views and access to information that relates to your life as a student in the Faculty. I believe that the primary function of a student rep is to act as a liaison between students and professors and administrators, keeping the lines of communication between these groups vibrant and open.

I have previously served in both student councillor and advocacy roles and I understand the importance of integrity and accountability in student leadership. I will not be just another passive student vote on council - I see my role as active and contributive. YOUR views are the ones I will bring forward; the impact of decisions on YOU will be my concern. Where students are affected, I will never abstain from a vote. I am not afraid to take a position on difficult issues, and am not intimidated by process or authority. I will work with other student councillors in order to make informed decisions and enhance our presence on the Council. I welcome your input and value your support. Thanks!



Gregory Ko

Hi there, I'm Gregory Ko and I'm hoping to represent you on the Faculty Council. McGill Law, it goes without saying, is an undoubtedly exceptional school, mais il y a toujours plus qu'on peut améliorer! I'm particularly interested in broadening non-course credit opportunities (including internships), widening course offerings and developing more faculty-student interaction. Plus particulièrement, je crois qu'on peut œuvrer à développer le rôle du français au sein de la Faculté, dans l'offre des cours après la première année et dans son rôle comme langue commune étudiante. Feel free to pull me aside to talk a bit more. And please vote on Oct 3!



Helen Nowak A bit about Helen Nowak:

I like to sleep in on Sundays and I study best late at night.

I am motivated by positive people and I try to be surrounded by those who work hard.

Tim Horton's is my coffee of choice, but I can do Second Cup too (I don't discriminate).

I care about what's happening in the world and I'm always interested in learning.

I love NFL football and doing an occasional crossword puzzle.

I am confident I would serve the LSA well as a member of Faculty Council because I have experience working on a Faculty Tenure and Promotion committee at York University, worked as a Union Steward for CUPE 3903 and I practice Moksha Yoga and one of my favorite books is Roots. I love reggae music (yeah Roots and Culture) and I challenge anyone to the Facebook World Traveller IQ quiz. If elected to Faculty Council, I can promise to represent McGill law students with integrity.



# ALL STUDENTS HAVE AN EQUAL RIGHT TO EDUCATION

by Guy-Philippe Allen Bouchard (Law II)

In a very unique event held in the moot court last Tuesday (September 25), the Chief Justices of the Canadian and American Supreme Courts met with first-year law students to answer their questions. Upper-year students were, however, not invited.

According to the SAO, this decision was motivated by a desire to keep the event within the walls of the faculty, which imposed serious space constraints.

While I understand the logic of the decision, it must be recognized that it had

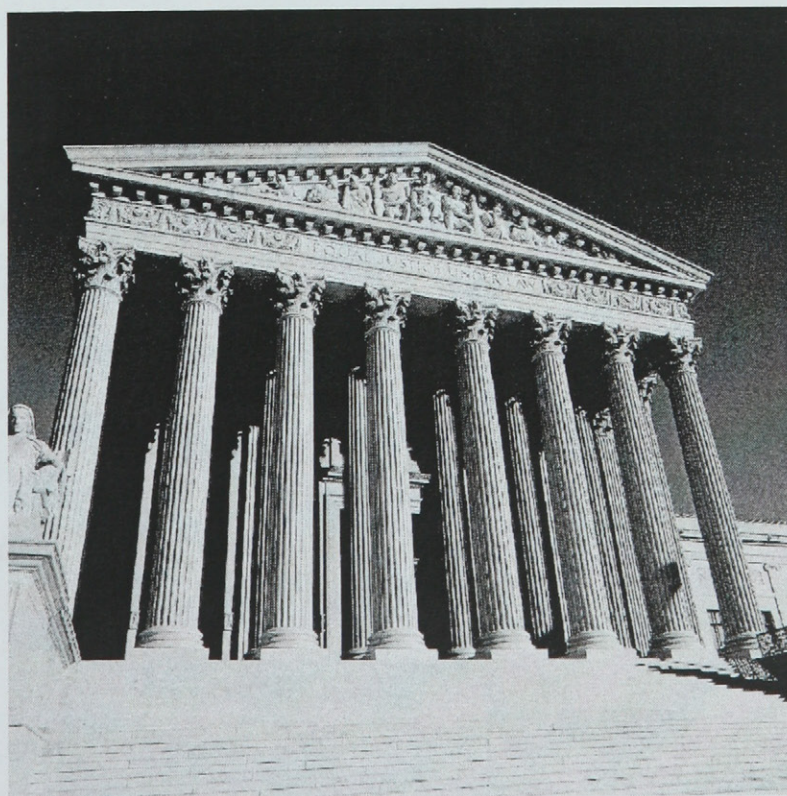
the effect of unfairly excluding upper-year students. Having been one of those fortunate upper-years allowed in, I know that the event was relevant to all students regardless of their year. Issues such as the place of women in the legal profession, constitutional interpretation, and terrorism were discussed by justices we too rarely get to see in person. Students from different years differ in the extent of their knowledge but are equal in their interest for the legal world. Equals deserve equal treatment.

How hard would it have been to find a

room on campus large enough to allow all McGill Law students to attend this event? It is hard to imagine that the difficulties facing such an endeavor would have proven insurmountable. The true spirit of our faculty resides in the community we form. Exclusion harms that spirit and makes our school less than it ought to be.

There exist no doubt in my mind as to the decency, competence, and good nature of our administrators. I believe that they did not intend to commit the wrong I am complaining of. They have let in as many people

as could be seated in the moot court. Furthermore, our administration deserves to be congratulated for assembling such an illustrious panel, which I understand to have been quite a challenge. However, it is the decision to host an event of this quality in a space as small as the moot court which effectively denied most upper-year students the benefits of such an experience. In this respect, they have failed to promote the best interest of students beyond their first year. From my conversations with my peers, I know that many of us hope that future events will be planned more inclusively■





# DANNY WILLIAMS: SELFISH OIL BARON OR STRATEGIC POLITICIAN?

by Joshua Krane (LAW IV)

Premier Danny Williams is up for re-election on October 9. His provincial Tories have what seems to be an insurmountable lead in the polls. His personal popularity is unrivalled when compared to the other provincial and territorial premiers. Like another former Alberta politician "King" Ralph Klein, Williams is a feisty politician who has staked his reputation on staking a claim to the province's rich oil reserves and all of the revenue that those reserves generate.

Williams appeared on CBC News Sunday last week, as the news magazine featured his party's re-election campaign. The reporter described Williams as a "scrapper" who has adopted a position that

"what is rightfully ours should remain ours." Unlike former Prime Minister Martin, who tried to appease Williams with the Atlantic Accord to rework the resource revenue-sharing plan, Prime Minister Harper has commented over the past several months that the Premier's antagonism is self-interested and indeed tiresome.

Although Harper failed to honour the Accord in the 2006 or 2007 federal budget, Williams may have Harper backed into a political corner. The PM cannot take too defensive or reactive a position, because the PM rose to power in part on a platform supporting greater transfer payments to the provinces and greater provincial au-

tonomy over spending. Harper still has to satisfy his political base in Alberta: a province that also wants to retain its "rightful" share of their oil revenues. Unless a leadership change occurs at PM (which seems unlikely in the short term), Williams will continue to ride the antagonism train.

Perhaps someone should remind Premier Williams that for decades, Newfoundland and Labrador remained one of this country's most dependent provinces on federal transfers. The PM, when he was leader of the Conservative Party, had made comments about this (and the other Atlantic provinces') financial dependency, but faced a backlash from the media. In this country, premiers of have-not provinces can complain about unjust equalization payments. But then, when their provinces' financial situations turn around, they can continue complaining!

Now that Newfoundland and Labrador's economic fortunes are changing, Williams has balked at the idea that he should share Newfoundland and Labrador's newly-

tapped oil wealth. What we have seen in this campaign is a growing sense of Newfoundland and Labrador "nationalism" which has silenced calls for the promotion of a more "Canadian" sense of civil responsibility and sharing. "We'll fight for what is ours" marks the provincial Tories' campaign slogan.

How long Newfoundland and Labrador's oil boom will last, I cannot predict. Most Canadians, I am sure, hope that Newfoundland and Labrador benefits from years of economic prosperity, as that province has seen its fair share of hard times. But when the oil boom ends, and it will, Newfoundland and Labrador may, once again, be in a financial position in which it will require more transfer payments than it gives. The citizens of other provinces and the federal leadership of the day, however, may look back on Williams' combative attitude and may not be so willing to assist again.

Premier Williams' campaign slogans and political rhetoric may win him this election. It may win him the next one too. It may not, however, win him too many friends in the rest of Canada ■



# L'ODIEUSE INDIFFÉRENCE

par L'Action Indépendantiste

Il y a vingt-cinq ans, la loi constitutionnelle de 1982 fut adoptée sans la participation ni le consentement du Québec. Il existe un consensus au sein de la classe politique québécoise quant au caractère inacceptable de cet événement : libéraux, péquistes et adéquistes n'ont jamais signé ou ne signeront jamais cette loi constitutionnelle.

La majorité des québécois ont oublié cet affront, ou se disent qu'il serait temps de passer à autre chose en laissant de côtés ces vieilles querelles politiques. Nous ne sommes pas de cet avis; chaque jour, mois ou année qui passe sont une insulte ajoutée à l'injure de 1982, et nous avons l'obligation en tant que québécois de ne pas

s'affaïsser dans l'indifférence ou la résignation et de dénoncer l'ordre politique actuel.

Cette indifférence face à la question nationale québécoise fait écho ailleurs dans le reste du Canada. Prenons le référendum de 1995 en exemple. L'option souverainiste y a été rejetée à 50,6%, mais nous sommes d'avis que ce résultat serré constitue le plus fort des signaux que nous aurions pu envoyer au reste du Canada quant à l'inconfort que nous éprouvons envers notre position dans la fédération canadienne. Un politicien fédéral moindrement sensible et intelligent aurait dû y voir là un signe clair de l'existence d'un problème politique national digne d'être considéré sérieusement.

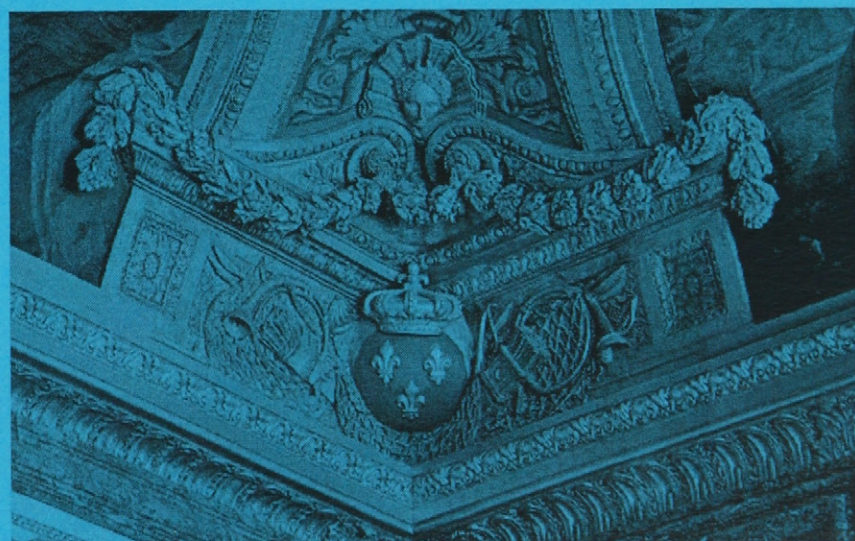
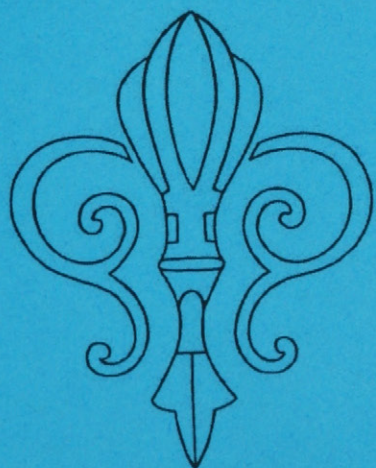
En réponse à 1995, les libéraux de Jean Chrétien ont fait pleuvoir unifoliés et autres sales commandites canadiennes au Québec pensant ainsi acheter notre allégeance. Stephen Harper a promis une *au Québec à l'UNESCO*, laquelle se fait toujours attendre, et a reconnu dans une déclaration *sans valeur juridique* l'existence de la nation québécoise au sein d'un Canada uni. Ces réponses sont insuffisantes et inadéquates, nous méritons mieux que ces miettes qu'Ottawa nous balancent cyniquement.

À l'instar des politiciens des autres provinces canadiennes, les politiciens fédéraux grincement des dents en entendant la phrase : « *rouvrir la constitution* ». Or, puisque les politiciens

sont les seules personnes investies du pouvoir de rédiger des amendements constitutionnels, il est inacceptable qu'ils refusent systématiquement de considérer l'idée de rouvrir la constitution afin d'y inclure le Québec.

Québécois et Québécoises de toutes origines, refusons l'ordre constitutionnel canadien actuel. N'oublions pas notre histoire politique récente et ne nous rabattons pas lâchement sur notre confort relatif au sein du Canada. Ayons confiance en nous-même, et si les autres sont réticents à nous reconnaître à notre juste valeur au Canada, reconnaissons-nous simplement, et disons oui à l'indépendance du Québec!

L'Action Indépendantiste  
info@souverainete-mcgill.org





\$\$\$

### A Few Extra Dollars?

For special events the Faculty of Law requires assistance on a part-time basis.

The names of interested students will be kept and the work will be distributed among them. Some events will require only one student and for others more will be needed.

Duties will vary according to the event but will include preparing rooms, taking photographs, providing directions, serving food and drinks, assisting guests and similar tasks.

Courtesy, good humour and a smile are essential requirements!

Many Faculty events take place in the evening and some, though rarely, on weekends. The hourly rate is \$8.50/hr.

If you are interested please send an e-mail to:

Maria Marcheschi  
Special Events & Alumni Relations Administrator  
Faculty of Law

[maria.marcheschi@mcgill.ca](mailto:maria.marcheschi@mcgill.ca)

\$\$\$